

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

PHILLIP ANDREW BEDWELL, II,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:06-CV-407-WKW
)	[WO]
)	
SHERIFF JAYJONES, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On May 5, 2006, Phillip Andrew Bedwell, II [“Bedwell”], a county inmate, filed this 42 U.S.C. § 1983 action challenging actions taken against him during his confinement in the Lee County Detention Center. The court recently ascertained that Bedwell no longer resided at the last address he had provided for service. The order of procedure specifically directed Bedwell to immediately inform the court of any new address. *Order of May 9, 2006 - Court Document No. 4* at 4-5. Since Bedwell failed to comply with this directive, the court entered an order requiring that on or before July 20, 2006 Bedwell inform this court of his present address. *Order of July 10, 2006 - Court Document No. 12*. Additionally, the court cautioned Bedwell that his failure to comply with the directives of the aforementioned order would result in a recommendation that this case be dismissed. *Id.* at 1-2. Bedwell has filed nothing in response to the order entered on July 10, 2006. The

court therefore concludes that this case is due to be dismissed.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to properly prosecute this action and his failure to comply with the orders of this court. It is further

ORDERED that on or before August 7, 2006 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit

handed down prior to the close of business on September 30, 1981.

Done this 24th day of July, 2006.

/s/ Delores R. Boyd
UNITED STATES MAGISTRATE JUDGE